

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

APR 04 2003

OFFICE OF
MANAGING DIRECTOR

Mr. Robert Savage
5620 South Lima Road
Avon, New York 14414-0236

Re: FY 2002 Regulatory Fees for WYSL
Fee Control No. 0209248835253008

Dear Mr. Savage:

This is in response to your letter dated September 12, 2002, filed on behalf of AM Station WYSL, in Avon, New York, regarding the fiscal year (FY) 2002 regulatory fees. Our records reflect that your \$2,525.00 regulatory fee was timely received by the Commission on September 24, 2002. The fee you have paid reflects your classification as a Class B AM station subject to fee code 0227. You request to be reclassified as a Class D AM station for fee purposes and to be refunded the difference between the lower fee for the Class D station and the Class B fee that you have paid.

By way of explanation, in your letter you state that WYSL has historically never paid at the Class B level since the inception of Regulatory Fees. You state further that while WYSL has operated and been licensed as a Class B station since 1997 when you upgraded your facilities, you have always paid regulatory fees as a Class D station.

Our records reflect that WYSL (Facility ID # 54665; 1040 AM, Avon New York)) was granted a license as a Class D station on December 4, 1987 and that on February 5, 1999, WYSL's license was upgraded to a Class B station. Therefore, at the time your FY 2002 regulatory fee became due in September 2002, WYSL was classified as a Class B station and the \$2,525.00 fee you remitted was the correct amount.

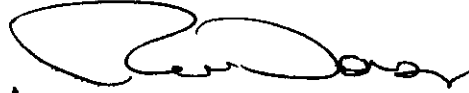
In your request, you assert that the basis for WYSL's fee is unfair and inequitable, detailing information concerning WYSL's community and operations. As you acknowledge in your letter, the FCC regulatory fee schedule for AM stations is based upon class of service and populations served by the stations. Thus your assertions regarding such matters as WYSL's advertising revenue and station ownership are not pertinent to the fee determination, and do not entitle WYSL to a refund. While the information you submit does not provide a sufficient basis to warrant a refund of the proper fee, you may present your arguments regarding the fairness and equitableness of the fee schedule by participating in the Commission's next rulemaking proceeding which will establish regulatory fees for FY 2003.

Mr. Robert Savage

2.

If you have any questions concerning this matter please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark A. Reger', with a large, stylized initial 'M'.

 Mark A. Reger
Chief Financial Officer

0209248835253008



www.wysl1040.com

September 12, 2002

RECEIVED
FCC

2007 SEP 20 A 8:29

ACCOUNT PROCESSING
GROUP-DPT/RPT/TMT

Office of the Managing Director
FEDERAL COMMUNICATIONS COMMISSION
445 12th Street SW, Room 1-A625
Washington, DC 20554

ATTN: REGULATORY FEE WAIVER/REDUCTION REQUEST

Ladies and gentlemen:

This letter requests a Regulatory Fee reduction per the FCC Public Notice dated August 7, 2002 ("FY 2002 Media Services Regulatory Fees") for WYSL, Avon, New York. WYSL is technically classed as a B-class AM station subject to fee code 227, \$2525.00. We request to be reclassified as a D-class station with an appropriate refund. Our reasons for this request follow.

1. WYSL has historically never paid at the B level since the inception of Regulatory Fees. While the station has operated and been licensed as a B since 1997, when we upgraded our facilities, we have always paid regulatory fees as a D (see, infra.)
2. We understand the FCC rationale for the various fee levels based upon "population served." Nonetheless, this basis for WYSL's fee of \$2525 is, in our view, unfair and inequitable. WYSL is licensed to a community with an approximate population of 5000. The county where our city of license is located (Livingston, NY) has a population of approximately 66,000. Most of the population which forms the basis for the Commission's "population served" figure for WYSL, is in Monroe County, 25 miles distant, where the major metropolitan area of Rochester, NY is located. Rochester/Monroe County is served by more than thirty audio services, most of which are assessed the same regulatory fee as WYSL. We ask the Commission staff to recognize the distinction between "service" to a community and "coverage" of a community with a receivable signal, and the evident inequity in assessing the same regulatory fee to WYSL, primarily serving a population of 66,000, as those radio stations located in an adjacent metropolitan county with a population of 775,000.

continued

BROADCAST PARK

5620 South Lima Road • Avon, New York 14414-0236
(716) 346-3000 • Fax 346-0450
email: info@wysl1040.com
wysl1040.com

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3. Even using the FCC basis for "population served," WYSL is at the lowest extreme of the second-highest category of 400,000 to 1,000,000, with a pop count of 412,774.

For the foregoing reasons, WYSL remits the regulatory fee of \$2525 as a Class B with a population "served" of 400,000 to 1,000,000 as mandated by the Regulatory Fee order, but requests a refund of the difference between Class B and Class D.

WYSL realizes that the imposition of Regulatory Fees is mandated by Congress and that the Commission does not concern itself with the practical or business issues confronted by licensees. But we wish to place on the record our opposition to the current Regulatory Fee scheme as inherently unfair, particularly to smaller broadcast operators such as WYSL. We respectfully ask the Commission staff to read and consider the following.

WYSL's licensee operates *one radio station*, a stand-alone AM news station in a suburban/rural community. Our staff is the husband-wife ownership team, five employees and an Old English Sheepdog working in a modular office and studio building at our transmitter site. We are evidently expected to pay a Regulatory Use Fee of \$2525 annually for our portion of the spectrum.

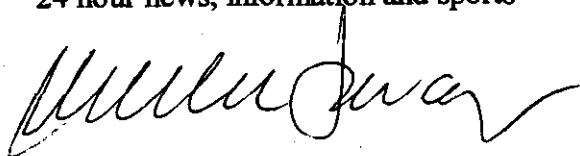
Contrast the WYSL situation with, for example, WNEW-FM in New York City, whose regulatory use fee is \$4975. WNEW-FM serves an FCC population base of 10,438,669, with gross annual revenues about 100 times those of WYSL's. In order for the Regulatory Fees imposed by the FCC to be reasonably scaled to the economic realities of operating these two vastly dissimilar stations, hypothetically, either WYSL should pay an annual fee of \$30, or WNEW-FM should pay something like a quarter of a million dollars.

We realize that advertising revenue and specifics of licensee operation are not issues for the FCC. But we ask the Commission to consider these general regulatory principles: first, that responsible taxpayers (and the Regulatory Use Fees are surely a form of tax) do not object to paying their *fair share*. That fee scheme that charges a small family-run rural station, 51% of the fees charged a huge metropolitan station operated by the second-largest group (CBS-Infinity) in the country, can't be very fair. The costs of regulation and enforcement have got to be more equitably distributed among the licensees than is possible under the current structure. WYSL would opine that fees will have to in some way, be keyed to licensee revenues, in order to accomplish this. We're sure that this will be more complex and expensive to administer than simply counting people within a coverage contour, but the enhanced fairness to payors will certainly make the effort worthwhile.

continued

Very truly yours,

WYSL NEWS 1040/www.wysl1040.com
24 hour news, information and sports

A handwritten signature in black ink, appearing to read "R. Savage", with a stylized flourish at the end.

Robert C. Savage
President and CEO

cc: Mr. Roland Helvajian

By e-mail: FCC Chairman Michael K. Powell

Payment Transactions Detail Report

Date: 09/30/2002

BY: FEE CONTROL NUMBER


Fee Control Number	Payor Name	Fcc Account Number	Payer TIN	Received Date							
0209248836253008	RADIO LIVINGSTON LIMITED 5620 SOUTH LIMA ROAD AVON NY 14414	WP00012833	0161287406	10/23/2002 00:00:00							
Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$2,525.00	\$2,525.00	1	0227	1	WYSL	RADIO LIVINGSTON LIMITED	144140236		\$2,525.00	1	PMT
Total	1								\$2,525.00		

From: Roland Helvajian
To: Putnam, Tom
Date: 9/30/02 10:41AM
Subject: WYSL-AM

Hi Tom:

Just a bit more on WYSL-AM. They must have changed power and class in FY 2001 because they paid at a Class D level in FY 2000, but at a Class B level in both FY 2001 and FY 2002.

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Audio Division

AM Query & AM List Results

(202)-418-2700

[FCC > MB > Audio Division > AM Query](#) [FM Query](#) [TV Query](#)

AM Query and AM List results are derived from the public files at <http://www.fcc.gov/mb/databases/cdbs>. Requested corrections to data should be referred to [Kim Nguyen, kpnguyen@fcc.gov](mailto:Kim.Nguyen@fcc.gov). Comments on the updated AM Query and AM List may be referred to [Dale Bickel, dbickel@fcc.gov](mailto:Dale.Bickel@fcc.gov).

[Next Record](#)

WYSL

NY AVON

USA

Daytime

Licensee: RADIO LIVINGSTON, LTD

1030 kHz Deleted domestic station, but not deleted internationally
Domestic Station Class: D Region 2 Station Class (corresponds to W. Hemisphere):
Coordination Status: Canada: - Mexico: - Region 2: -
File No: BL-19871106AB Facility ID No.: 54665
CDBS Application ID No.: 106434

42° 51' 16.00" N Latitude Power: 1.0 kilowatts (kW) Daytime
77 ° 42' 39.00" W Longitude (NAD 27)

RMS Standard: 0.00 mV/m at 1 kilometer
RMS Theoretical: 305.00 mV/m at 1 kilometer

1 tower CDBS Ant. System ID: 5768

Tower information:

Tower No.	Field Ratio	Phase (deg)	Spacing (deg)	Orientation (degrees)	Electrical Height (deg)	Twr Ref. (#0)	-No Top Loaded or Sectionalized Tower(s)	A	B	C	D
1	1.000	0.00	0.00	0.00	90.00	0	0	0.00	0.00	0.00	0.00

Approximate Sunrise & Sunset Times => Eastern time zone

CDBS: [Station Info](#) [This Application](#) [Mailing Address](#)

[Application List](#) [CDBS Search Page](#)

Maps: [Region Map](#) [Area Map](#) [Local Map](#)

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WYSL

NY AVON

USA

Daytime

Licensee: RADIO LIVINGSTON, LTD

1040 kHz Licensed
Domestic Station Class: B Region 2 Station Class (corresponds to W. Hemisphere):
Coordination Status: Canada: - Mexico: - Region 2: -
File No: BL-19971205KA Facility ID No.: 54665

CDBS Application ID No.: 258864

42° 51' 16.00" N Latitude Power: 2.5 kilowatts (kW) **Daytime**
 77 ° 42' 39.00" W Longitude (NAD 27)

DA2 - Directional Antenna: Different constants day and night
 Number of Augmentations to standard directional pattern: 0
 RMS Standard: 476.68 mV/m at 1 kilometer
 RMS Theoretical: 453.71 mV/m at 1 kilometer

2 towers in the directional array CDBS Ant. System ID: 527

Tower information:

Tower No.	Field Ratio	Phase (deg)	Spacing (deg)	Orientation (degrees)	Electrical Height (deg)	Twr Ref. (#0)	-No Top Loaded or Sectionalized Tower(s)	A	B	C	D
1	1.000	0.00	0.00	0.00	91.40	0	0	0.00	0.00	0.00	0.00
2	0.600	-5.00	175.60	293.40	0.00	0	1	74.20	17.20	0.00	0.00

Approximate Sunrise & Sunset Times => Eastern time zoneCDBS: Station Info This Application Mailing AddressApplication List CDBS Search PageMaps: Region Map Area Map Local MapPrevious Record -- Next Record**WYSL****NY AVON****USA****Nighttime**

Licensee: RADIO LIVINGSTON, LTD

1040 kHz Licensed

Domestic Station Class: B Region 2 Station Class (corresponds to W. Hemisphere):

Coordination Status: Canada: - Mexico: - Region 2: -

File No: BL-19971205KA Facility ID No.: 54665

CDBS Application ID No.: 258864

42° 51' 16.00" N Latitude Power: 0.5 kilowatts (kW) **Nighttime**
 77 ° 42' 39.00" W Longitude (NAD 27)

DA2 - Directional Antenna: Different constants day and night
 Number of Augmentations to standard directional pattern: 1
 Augmentations:

Aug. No.	Center Azimuth	Augmented Field Strength (mV/m at 1 km)	Span (Beginning & ending azimuth ±(0.5 * span)
1	68.50°	121.00	50.00°

RMS Augmented: 0.00 mV/m at 1 kilometer

RMS Theoretical: 207.25 mV/m at 1 kilometer

4 towers in the directional array CDBS Ant. System ID: 1572

Tower information:

Tower No.	Field Ratio	Phase (deg)	Spacing (deg)	Orientation (degrees)	Electrical Height (deg)	Twr Ref.	-No Top (#0)	Loaded A	or Sectionalized B	Tower(s) C	D
1	1.000	0.00	0.00	0.00	91.40	0	0	0.00	0.00	0.00	0.00
2	1.346	-46.20	175.60	293.40	0.00	0	1	74.20	17.20	0.00	0.00
3	0.920	-165.40	193.00	310.40	0.00	0	1	74.20	17.20	0.00	0.00
4	1.698	-105.80	73.00	41.50	0.00	0	1	74.20	17.20	0.00	0.00

Approximate Sunrise & Sunset Times => Eastern time zone

CDBS: [Station Info](#) [This Application](#) [Mailing Address](#)

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*** 3 Records Retrieved ***

Related Nonbroadcast Facilities: ULS Search

Using a broadcast station's facility ID number, you may search in the WTB's ULS database for nonbroadcast station records that are related to radio and TV broadcast stations, such as microwave facilities. Use the [ULS Radio Services List](#) to determine the nonbroadcast station's service. Not every AM, FM, or TV broadcast station will have related nonbroadcast operations.

: Facility ID Number

[Return to AM Query Data Entry screen](#)

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Federal Communications Commission
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Washington, DC 20554
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